

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION)
) No. 11-CV-2509-LHK
THIS DOCUMENT RELATES TO:)
ALL ACTIONS.)
_____)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEO DEPOSITION OF SERGEY BRIN

MARCH 19, 2013

Reported by: Rosalie A. Kramm, CSR No. 5469, CRR

13:03:12 1 about the agreements between Apple and Google on this
13:03:14 2 subject than you did.

13:03:16 3 MR. RUBIN: Objection to form.

13:03:17 4 THE WITNESS: But once again, you are
13:03:18 5 presupposing there was an agreement. In your question
13:03:20 6 you are presupposing the answer you want to hear.

13:03:23 7 BY MR. HEIMANN:

13:03:23 8 Q. Well, the question that I originally posed to
13:03:25 9 you --

13:03:25 10 A. Yeah.

13:03:25 11 Q. -- is, is it your view that he knew more about
13:03:28 12 the existence or non-existence of agreements relating to
13:03:31 13 recruiting than you did.

13:03:33 14 A. I'm telling you --

13:03:33 15 MR. RUBIN: Just let me -- objection to form.

13:03:35 16 THE WITNESS: I'm telling you this has nothing
13:03:36 17 to do with agreements, nonagreements, things like that.
13:03:40 18 It's about Steve's ego and emotions.

13:03:44 19 BY MR. HEIMANN:

13:03:44 20 Q. What is about Steve's ego and emotions?

13:03:47 21 A. Alan just didn't want to agitate and piss off
13:03:50 22 Steve needlessly.

13:03:52 23 Q. And how does that explain Mr. -- or

13:03:57 24 [REDACTED]'s understanding that a gentleman agreement
13:04:00 25 existed between Google and Apple regarding recruiting

13:04:03 1 employees or hiring employees from each other?

13:04:06 2 A. I'm sure that Alan expressed some of the
13:04:09 3 sensitivity and -- to [REDACTED] about Google hiring
13:04:17 4 people close to Steve and people Steve might care about,
13:04:20 5 and I don't know. Who knows how Alan conveyed that and
13:04:25 6 what [REDACTED] took away from that? I wouldn't want to
13:04:31 7 speculate.

13:04:31 8 Q. All right. But in any event, you didn't take
13:04:34 9 any steps to correct any misimpressions when you received
13:04:36 10 this email.

13:04:38 11 MR. RUBIN: Objection. Form.

13:04:41 12 THE WITNESS: No. I mean I wouldn't -- I don't
13:04:43 13 think I ever even interacted directly with [REDACTED] in
13:04:47 14 any way.

13:04:47 15 BY MR. HEIMANN:

13:04:48 16 Q. Okay. Did -- did you have an understanding of
13:04:52 17 Mr. Jobs' view about how Silicon Valley companies should
13:04:58 18 interact with each other with respect to hiring away
13:05:02 19 other companies' employees?

13:05:04 20 MR. RUBIN: Objection. Form.

13:05:06 21 THE WITNESS: I think Mr. Jobs' view was that
13:05:09 22 people shouldn't piss him off. And I think that things
13:05:14 23 that pissed him off were -- would be hiring, you know --
13:05:19 24 whatever. Certain people that he deemed important at the
13:05:21 25 time or close to him or knew or, you know, who knows what

13:05:27 1 would trip his emotions exactly, but I think this
13:05:31 2 situation of [REDACTED] specifically is because he was
13:05:34 3 close to [REDACTED] in some way. I don't personally know
13:05:37 4 their history, but I believe they were friends or
13:05:39 5 something.

13:05:39 6 BY MR. HEIMANN:

13:05:40 7 Q. Well, didn't you have an understanding that
13:05:41 8 Mr. Jobs' view was that no one in Silicon Valley should
13:05:44 9 be trying to hire away employees of Apple from Apple?

13:05:49 10 A. I'm sure that he wished that that was the case.
13:05:52 11 I don't think he was even that unreasonable. But, yeah,
13:05:57 12 I mean I think there were certain times and certain
13:06:00 13 employees and solicitations at Apple.

13:06:12 14 Q. Let's take a look at Exhibit 861. This is an
13:06:26 15 email from June of 2006 that, as near as I can tell, is
13:06:29 16 internal to Apple. I want to focus your attention on the
13:06:33 17 last paragraph of the email from Danielle Lambert or
13:06:46 18 "Lambert" to Steve Jobs.

13:07:15 19 A. Okay. I see it.

13:07:16 20 Q. In this email the author wrote to Mr. Jobs, "We
13:07:19 21 have been diving into the search for someone to lead an
13:07:23 22 ad sales team and surfacing some good folks. We are
13:07:26 23 researching Google to see who is there, and learn what we
13:07:30 24 can about their backgrounds, but are not directly calling
13:07:33 25 them directly, given the agreement you and Sergey struck